

ABSTRAK

Salah satu sumber ekonomi Indonesia adalah investasi, baik investasi asing maupun domestik. Hingga sekarang, Indonesia menjalin hubungan investasi dengan beberapa negara dan salah satu investor terbesarnya adalah Jepang. Sudah puluhan tahun Indonesia dan Jepang menjalin hubungan ekonomi melalui perdagangan dan investasi. Pada tanggal 20 Agustus 2007 kedua negara sepakat membentuk *Indonesia-Japan Economic Partnership Agreement (IJ-EPA)* yang berlaku efektif pada tanggal 1 Juli 2008. Dengan tujuan untuk mempererat hubungan investasi kedua negara dan menjamin kepastian hukum. IJ-EPA tergolong sebagai perjanjian investasi bilateral yang lebih komprehensif jika dibandingkan dengan BIT atau FTA. Meskipun kerangka pembentukan IJ-EPA sama dengan FTA, tetapi ruang lingkup IJ-EPA lebih luas dari pada FTA. Oleh karena itu, IJ-EPA disebut sebagai FTA+(plus). Sedangkan pembentukan perjanjian investasi bilateral melibatkan dua negara, maka proses pembentukannya diatur oleh hukum investasi internasional. Salah satunya dengan menerapkan prinsip *standard of treatment*, seperti perlakuan non-diskriminasi, *most favoured nation treatment*, *national*, dan *fair and equitable*. Tetapi, tidak menutup kemungkinan sengketa terjadi saat pelaksanaan IJ-EPA dan merugikan pihak lain, yaitu para investor atau negara. Maka itu, hukum internasional mengatur mekanisme penyelesaian sengketa investasi, baik secara litigasi maupun non-litigasi.

Kata Kunci: Investasi Asing, *Indonesia-Japan Economic Partnership Agreement (IJ-EPA)*, Prinsip *Standard of Treatment*.

ABSTRACT

One of Indonesia's economic sources is investment, either foreign investment or domestic investment. Hitherto, Indonesia has foreign investment relationships with some countries in the world and one of the biggest foreign investors is Japan. For decades Indonesia and Japan had economic relationship through trade and investment. Finally, On 20th August 2007, these two countries agreed to establish Indonesia-Japan Economic Partnership Agreement (IJ-EPA) and effective on 1st July 2008. The aims were to build closer and stronger investment relationship between these countries, and guaranteed legal certainty. IJ-EPA is a legal framework and categorized as one of the bilateral investment agreement with more comprehensive content compare to the BIT or FTA. Even though IJ-EPA's framework is the same with FTA, but IJ-EPA's scope is wider than FTA. Hence, IJ-EPA is called as FTA+(plus). While the establishment of bilateral investment agreement is involving governments' of two countries, so international investment law rules the establishment's process of IJ-EPA. One of the rules is applying standard of treatment principle, such as non-discrimination treatment, most favoured nation treatment, national treatment, and fair and equitable treatment. However, disputes might arise during the implementation of IJ-EPA and harm other parties, which are investors and countries. Therefore, international law regulates and provides investment dispute settlement mechanism, either litigation or non-litigation.

Key Words: *Foreign Investment, Indonesia-Japan Economic Partnership Agreement (IJ-EPA), Standard of Treatment Principle.*